

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Siegfried ANSORGE et al.

**Confirmation No.: 4705**

Serial No. : 10/575,883

Group Art Unit: 4173

Examiner: Sznajdman Marcos L.

I. A. Filed : October 15, 2004

For : NOVEL DIPEPTIDYL PEPTIDASE IV INHIBITORS USED FOR  
FUNCTIONALLY INFLUENCING DIFFERENT CELLS AND  
TREATING IMMUNOLOGICAL, INFLAMMATORY, NEURONAL,  
AND OTHER DISEASES

**ELECTION**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Amendment  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

This is in response to the requirement for restriction under 35 U.S.C. § 121 mailed from the U.S. Patent and Trademark Office on November 15, 2007 which set a one-month shortened statutory period for reply to expire on December 17, 2007 (December 15, 2007 falling on a Sunday). Applicants hereby request an extension of time for five months and are concurrently filing a formal Request for Extension of Time, together with all requisite fees therefor. If for any reason the Request for Extension of Time is not associated with the file, or the fee submitted herewith is deemed insufficient for any reason, the present submission should be interpreted to include the requisite Request for Extension of Time, and the Patent and Trademark Office is hereby authorized to charge any fees necessary to preserve the pendency of this application to deposit account No. 19-0089.

### **RESTRICTION REQUIREMENT**

The Examiner has required restriction under 35 U.S.C. 121 to one of 108 Groups, i.e., Groups I to CVIII set forth at pages 2-26 of the Restriction Requirement.

The Examiner furthermore requests that for the elected Group also an election of a single species be made (see pages 27-54 of the Restriction Requirement).

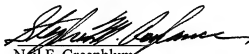
### **ELECTION**

In response to the restriction and election of species requirements, Applicants elect the invention of **Group IV** (see page 3 of the Restriction Requirement), i.e., a pharmaceutical or cosmetic composition comprising at least one of a pharmaceutically or cosmetically acceptable carrier and a pharmaceutically or cosmetically acceptable adjuvant and at least one active ingredient selected from compounds of formula **D3**, including pharmaceutically acceptable salts, salt derivatives, tautomers and stereoisomers thereof, as set forth in present claim 77.

Applicants furthermore elect a pharmaceutical or cosmetic composition which comprises compound **D3.008** as set forth in claim 78 (see, e.g., page 17 of the Preliminary Amendment filed April 14, 2006) as species of the invention of Group IV.

Should there be any questions, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,  
Siegfried ANSORGE et al.



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May 13, 2008  
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